

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PATRICK STANLEY,

Defendant-Appellant.

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UNPUBLISHED

May 17, 1996

No. 183703

LC No. 94-001917

Before: Taylor, P.J., and Fitzgerald and P.D. Houk,\* JJ.

PER CURIAM.

Pursuant to a plea agreement, defendant pleaded guilty of attempted possession with intent to deliver less than fifty grams of cocaine, MCL 750.92, 333.7401(2)(a)(4); MSA 28.287, 14.15(7401)(2)(a)(4), and was sentenced pursuant to a sentence agreement to a prison term of three to five years. Defendant appeals as of right. We affirm.

Defendant contends that he is entitled to resentencing because he did not have a reasonable time before the day of sentencing to review the presentence report as required by MCR 6.425(B). The record, however, does not provide support for defendant's contention. At the time of sentencing, in response to a query from the trial judge regarding whether defendant read and understood the presentence report, defendant responded that he "didn't agree with it." Both defense counsel and defendant then acknowledged that defense counsel had read the contents of the report to defendant. Thus, although the record would support a finding that defendant did not personally read the report before sentencing, there is nothing in the record to support defendant's bare allegation that he did not receive the report before the day of sentencing. Defendant has, therefore, failed to persuade the Court that error occurred.

Affirmed.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

/s/ Clifford W. Taylor  
/s/ E. Thomas Fitzgerald  
/s/ Peter D. Houk